

# Chapter **6** six

## **Driver Privileges & Penalties**

### **Losing the Driving Privilege**

As required by New Jersey law, a motorist's driving privileges will be suspended for some violations. These laws are designed to protect every driver. Thorough knowledge of New Jersey's traffic laws is necessary for every driver.

Failure by a motorist to pay motor vehicle-related judgments rendered because of personal injury or death, or damage to property in excess of \$500, will result in driver license and registration suspensions.

Depending on a driver's history of traffic violations, a suspension or revocation of driving privileges could occur. Suspensions are decided on a case-by-case basis. If the sentence is not mandatory, the Chief Administrator of the Motor Vehicle Commission (MVC), or the courts, may suspend driving privileges.

#### **How to Lose Driving Privileges:**

- failure to appear in court or to pay fines
- failure to pay surcharges
- driving while suspended
- failure to provide proof of insurance
- physical or mental disqualification
- drug or alcohol use
- repeated traffic law violations
- reckless driving (without regard for life or property)
- vehicle abandonment on a public highway
- at fault in a fatal accident

MVC's Chief Administrator may require a re-examination for any driver considered a problem driver. This re-examination will help to determine whether driving privileges will be suspended.

Underage

Motorists under 21 years old, the legal age in New Jersey to purchase and/or consume alcoholic beverages, found with a blood alcohol concentration above .01 while operating a motor vehicle will be penalized.

(As of January 5, 2004, .08 percent blood alcohol concentration is considered driving under the influence in New Jersey for motorists 21 years or older.)

Mandatory Sanctions

The following sanctions pertain to motorists 21 years of age or older with a blood alcohol concentration between .08 and .10 percent. (First Offense only)

- 3 month driving privilege suspension
- \$250 to \$400 fine
- 12 to 48 hours in an Intoxicated Driver Resource Center (IDRC)
- up to 30 days imprisonment
- \$75 per day IDRC fee
- \$100 Drunk Driving Fund fee
- \$100 Alcohol Education, Rehabilitation and Enforcement Fund fee
- \$1,000 annual surcharge for three years
- \$75 Safe Neighborhood Services Fund fee

The following sanctions pertain to motorists under 21 years of age with a blood alcohol concentration above .01 percent.

(First Offense only)

- 7 months to 1 year driving privilege suspension
- \$300 to \$500 fine
- 12 to 48 hours in an IDRC
- up to 30 days imprisonment
- \$75 per day IDRC fee
- \$100 Drunk Driving Fund fee
- \$100 Alcohol Education, Rehabilitation and Enforcement Fund fee
- \$1,000 annual surcharge for three years
- \$75 Safe Neighborhood Services Fund fee

Breath Tests

New Jersey has an Implied Consent law.

Drivers on New Jersey roadways have agreed, simply by using New Jersey roadways, to submit to a breath test given by law enforcement or hospital staff following an arrest for a drinking and driving offense. Motorists refusing to take a breath test will be detained and brought to a hospital, where hospital staff may draw blood.

Motorists refusing to take a breath test in New Jersey are subject to an MVC insurance surcharge of \$1,000 a year for three years. Failure to pay this surcharge will result in an indefinite driver license suspension until the fee is paid.

An April 2004 state law made the refusal to submit to a breath test equivalent to driving with a BAC of .10% or higher for a first offense. The current penalty for both is the loss of driving privileges for between seven months and one year, to run concurrently or consecutively based upon a judge’s order.

Intoxicated Driver Resource Center (IDRC)

State law requires that any motorist charged with an alcohol-related traffic offense must be detained at an IDRC. Each of New Jersey’s 21 counties has an IDRC. First and third-time offenders will be detained at a county IDRC. Second-time offenders will be detained at one of three regional IDRCs.

During detention, all offenders attend an alcohol and highway safety education program. Each offender is evaluated to determine if alcohol or drug treatment is necessary. Those deemed to need treatment are referred to an appropriate provider for an at least 16-week treatment program.

Satisfactory participation in a state-assigned program is a condition for re-licensing. Failure to comply will result in further loss of driving privileges and the possibility of imprisonment.

IDRC Fees and Related Charges	
Charge	Paid To
\$100 Attendance Fee	MVC
\$150 1st Time Offender Fee	IDRC
\$200 2nd Time Offender Fee	IDRC
\$100 License Restoration Fee	MVC

The NJ Department of Health and Senior Services, Division of Addiction Services, Intoxicated Driving Program, coordinates all IDRCs.

The Point System

MVC keeps track of individual driving records through a point system that assigns points to each traffic violation, moving or otherwise. The more serious the violation, the more points added to a driver’s record.

Two points will be added to driving records for offenses committed in states that belong to Interstate Compacts to which New Jersey belongs.

Up to three points will be subtracted from driving records every 12 consecutive months a motorist is not convicted of an offense or suspended. A point total can never go below zero.

## Interstate Compacts

New Jersey belongs to two Interstate Compacts. Members exchange information among member states regarding traffic violations in other jurisdictions.

The *Nonresident Violator Compact* ensures that nonresident motorists in member states receive the same treatment as resident motorists. Motorists receiving citations in member states must fulfill the terms of that citation or face a possible home-state license suspension. Nonresident drivers have due process protection and cannot be detained out of state. Currently, 44 states and the District of Columbia are members of this compact.

Nonmember states include: Alaska, California, Michigan, Montana, Oregon and Wisconsin. This compact does not apply to parking or standing violations, highway weight limit violations and violations of hazardous materials (HAZMAT) transportation laws.

The *Driver License Compact* provides for the exchange of violation information among member states and the District of Columbia. Under this compact, out-of-state violations become part of a motorist's driver record. Georgia, Massachusetts, Michigan, Tennessee and Wisconsin are nonmember states.

## Driver Programs

### Driver Improvement Program

Motorists accumulating between 12 and 14 points within 24 months will receive a Notice of Scheduled Suspension by mail from MVC.

After receiving the notice, motorists can:

- attend a New Jersey driver improvement program
- request a hearing
- surrender the driver license for the suspension period

The Chief Administrator or an Administrative Law Judge will determine if driving privileges are suspended for motorists granted a hearing.

Three points will be removed from the driving record of a motorist after completing a driver improvement class, which costs \$100 to attend.

### Defensive Driving Program

**Voluntary Defensive Driving Programs:**

- teach defensive driving skills
- potentially reduce auto insurance rates
- reduce a motorist's driver history record

### Probationary Driver Program

Motorists begin a two-year probationary driver period after receiving a special learner or examination permit. During the probationary period, motorists convicted of two or more moving violations totaling four or more points must enroll in the Probationary Driver School program. The attendance fee is \$100. This program corrects improper or dangerous driving.

Completion of this program results in a three-point reduction on a motorist's driver history record.

Failure to complete the program, or conviction of one or more subsequent moving violations during the test period, will result in a driving privilege suspension.

### Driver License Restoration

After a driver license is restored, or after completion of the MVC Driver Improvement Program or a Probationary Driver School Program, a motorist will be on probation for one year.

Any traffic violation conviction during that probationary period will result in a proposed driver license suspension. The period of suspension depends on how soon the violation occurs after restoration.

## Surcharges and Point Violations

Motorists accumulating six or more points within three years are subject to a surcharge of \$100 for six points and \$25 for each additional point. Surcharges are levied in addition to any court-imposed fines and penalties. Surcharges remain operational if a motorist has six or more points resulting from violations posted in the preceding three years. Point totals are based on the date the violation was posted, not when the violation occurred.

Point system reductions in the Driver Improvement Program, the Point System, and the Defensive Driving Program sections do not apply to the surcharge system.

Motorists convicted or administratively suspended must pay a prescribed dollar amount each year for three years.

Violation	Surcharge
Unlicensed Driver	\$100
No Insurance - Moped	\$100
Driving while Suspended (Court or MVC Reported)	\$250
No Liability Insurance on Motor Vehicle	\$250